

# Michigan Agricultural Mediation Program

The Michigan Agricultural Mediation Program (MAMP) provides mediation services for agricultural/rural disputes as a public service of Michigan's Community Dispute Resolution Program. MAMP has assisted farmers and other Michigan citizens to resolve disputes with Farm Service Agency, Rural Development, Natural Resources Conservation Service, other US Department of Agriculture agencies, and private creditors of agricultural loans since 1996.

## Mediation is...

Mediation is a voluntary process that allows participants to resolve problems or disputes without resorting to appeals or lawsuits. In the mediation process, a trained neutral third party (the mediator) facilitates problem-solving discussions. The mediator will not act as a judge or an advocate, and will not decide who is at fault or how the dispute should be resolved. The mediator will assist the participants in resolving their own dispute.

## Mediation can be used to resolve agricultural/rural disputes...

Mediation is available for farmers and other persons to resolve disputes with USDA (or private agricultural creditors) over issues such as: agricultural loans (including Farm Service Agency loans, Rural Development loans and private agricultural loans); wetlands determinations; compliance with farm programs, including conservation programs; agricultural credit; crop insurance; pesticides; and other agriculture-related topics. Mediation is sufficiently flexible to include multiple parties in the mediation process, such as government officials, bankers and other lenders, citizen and environmental groups, neighbors and family members.

Mediation may be requested by any party to the dispute. Typically mediation is requested after a person receives a decision letter from USDA with which that person disagrees. The letter usually explains various options for resolving disputes, including mediation. The farmer or other person may choose to try mediation before requesting an appeal through the state or national appeals process. If mediation does not resolve the dispute, a person may still file an appeal or seek other legal remedies as appropriate.

## To learn more about mediating agricultural/rural disputes contact:

Michigan Supreme Court  
State Court Administrative Office  
Office of Dispute Resolution  
PO Box 30048 • Lansing, MI 48909  
Phone: 517.373.4839 • Fax: 517.373.5748  
[www.courts.michigan.gov/scao/dispute](http://www.courts.michigan.gov/scao/dispute)



# MICHIGAN AGRICULTURAL MEDIATION PROGRAM



## REQUEST FOR MEDIATION FORM

Date \_\_\_\_\_ County \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Nature of Dispute \_\_\_\_\_

Is this mediation request in response to an adverse notice or letter sent by USDA? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, the appeal period will be postponed while mediation takes place. This written mediation request must be postmarked or faxed by you not later than 30 calendar days after the date of the adverse notice or letter. The appeal period will be stopped as of the postmarked or faxed date of this mediation request. Please submit a copy of the adverse notice or letter with this form.

Mail/fax form to: Michigan Agricultural Mediation Program • State Court Administrative Office  
P.O. Box 30048 Lansing, MI 48909 • Fax: 517.373.5748

## What happens during mediation?

Mediation provides a neutral, confidential setting that enables people to work out a solution that meets the interests of all participants. During the mediation process, each participant has an opportunity to explain, from his/her point of view, what the dispute is over, what the issues are, and how she/he would like to see the situation resolved. After each side has presented information, the mediator clarifies the issues which need resolution. The participants then begin to discuss various options to resolve each issue, working toward solutions all participants can accept.

## Who are the mediators?

Mediators are volunteers trained through Michigan's network of Community Dispute Resolution Program centers. They complete a 40-hour training course, a supervised internship, and training on specialized agricultural topics. In more complex cases, a person known as a "mediation assistant" may be assigned to a case to help the farmer or other person prepare for mediation. The mediation assistant is familiar with the mediation process and will help the participant identify issues for mediation.

## What is the outcome of mediation?

Participation in mediation is voluntary, and mediators do not force anyone to reach agreement or to accept particular settlement terms. Mediators help the parties develop and agree upon a realistic, workable solution to their problem, based on their needs and interests. If the participants work out an acceptable agreement, the agreement is written down in clear, specific language and each participant signs it. The result can be an enforceable contract.

## Can other experts be used to find workable solutions?

Yes. In addition to the special training the mediators and mediation assistants receive on agricultural mediation, there may be times when more technical information is necessary. The mediation centers can work closely with other professionals, such as MSU Extension personnel or agricultural consultants, to serve as "impartial experts." The impartial expert could be someone who does not act as an advisor during mediation, but acts to provide information. For example, the impartial expert may help the parties develop a mutually-acceptable farm plan with technically and/or economically reasonable means of compliance with federal requirements. This person could provide information before the actual mediation session takes place, and/or could participate in the mediation session in a neutral role.

# Benefits of Mediation

The mediation process provides a non-threatening, informal procedure as an initial step in resolving conflicts. Mediation provides the following benefits:

### ■ Participants control the outcome.

The people involved in the situation are the ones who create an agreement that works for them. In an administrative appeal or in court, a determination is imposed by an appellate body or judge.

### ■ Mediation is confidential.

The parties can speak openly and directly to each other and to the issues, without the proceedings being a matter of public record.

### ■ Mediation can preserve relationships.

When disputants will be interacting with one another in the future, mediation can help to build a framework for future interaction based upon mutual interests and needs rather than adversarial positions. Mediators help find a "win/win" rather than a "win/lose" solution. In an administrative appeal or in court, someone wins, and someone loses.

### ■ Mediation is flexible and creative.

Mediation can be used to discuss creative and individualized solutions. Any issues the parties bring to the table can be discussed. The parties can make virtually any agreement so long as it is not contrary to the law.

### ■ Mediation is "forward-looking."

It focuses on what the issues are now, how they can be resolved, and what can be done to avoid similar problems in the future. New information, unknown to the opposing party, can be brought to the table. This often results in a resolution of the dispute.

### ■ Mediation is quick.

Disputes are normally resolved within a matter of weeks, allowing the parties to maintain schedules and lines of credit. Litigation or appeals typically require months, or even years, to be resolved.

### ■ Mediation saves money.

Mediation provides a low-cost alternative to litigation. Under the Michigan Agricultural Mediation Program, mediation services are free-of-charge. In some cases, parties have attorneys before and during the mediation process but because agreements are generally reached, additional expenses to pursue a lawsuit are avoided.

### ■ Mediation is likely to be successful.

In the majority of disputes taken to mediation, parties reach an agreement.

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